



Douglas B. Richardson

## A Case Study in Arrogance Diagnosing and Addressing Lawyers' Most Common Blind Spot

By Douglas B. Richardson

**A**fter receiving informal but universally positive feedback for years from his colleagues in a commercial litigation boutique, a young partner made a lateral move into a large national firm that recently had instituted a sophisticated performance evaluation program. For the first time he received a “360” multi-rater evaluation in which superiors, peers and subordinates opined about his strengths and soft spots. His legal abilities were described by all as excellent, but to his extreme surprise, colleagues at all levels described him as arrogant. To add salt to the wounds, he learned that an important client had complained about his attitude and his patronizing style to the firm’s managing partner.

When he met with the outside personal coach his firm made available to all partners, this lawyer’s greatest concern was amending the record and clearing his good name. “I’m *not* arrogant!” he exclaimed. “Down deep, I’m just a ‘small town guy’ trying to make it in a competitive culture. I’ve always seen myself as kind of shy and eager to please. How can I correct this mistaken view of me?”

His coach replied that it mattered little whether he truly was arrogant or not. “What you *intend* doesn’t shape peoples’ opinions of you; it is the *impact* your behaviors have on them that determines how they view you. If you are perceived as arrogant, people will relate to you based on their perceptions, not your intentions, and turn that reality into a self-fulfilling cycle. This is called ‘confirmation bias,’ and saying – to yourself or to others – ‘I don’t *mean* to be arrogant’ will not address the problem.” The coach explained that a characterization of arrogance is not a matter of absolute, objective truth; it’s a conclusion someone makes – through their *own* lenses, filters and biases – based on one’s *apparent* attitudes, motivations and behaviors.

There’s a good reason why so many lawyers are branded as arrogant, and it has much to do

with the basic personality characteristics that lead people to pursue legal careers and that, actually, make them good lawyers. Many people who self-select into the legal profession display a common menu of motivations, traits and attitudes on personality assessment instruments: They are highly autonomous “individual contributors” geared to individual achievement:

- rational, logical and dispassionate in their basic cognitive style
- confident that their opinions are correct
- intuitive thinkers who tend to make quick assumptions and judgments
- more oriented toward completing tasks than building relationships
- define their personal credibility and authority in terms of subject-matter expertise (meaning they tend to be specialists, not generalists)
- often competitive and protective of their ideas, tasks, authority, prerogatives (and, later in practice, their clients)

Law school further whets the competitive appetite for personal achievement and teaches lawyers-in-training to think fast, to denounce risk, to be skeptical and critical, to take nothing for granted. It teaches them to analyze, test, and question everyone about everything. It teaches them that “integrity” is a cardinal virtue; that is, it emphasizes the importance of rational decisions governed by universal truths, stable principles, rules and precedents, not by volatile and variable human emotions like love, anger, anxiety or the need for affiliation.

*In short, many lawyers are not predisposed to be collaborative, or even very friendly. They are taught to be candid, direct and authoritative. They say things like, “I am a truth-teller, and I’m not going to change the way I behave simply to make someone else more comfortable.” Of course, each time a lawyer says, “I don’t suffer fools gladly,” some wounded person thinks, “Hey, who are you callin’ a fool?”*

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It is common, both for lawyers and non-lawyers, to describe these lawyerly traits in ugly terms: *arrogant, stubborn, self-righteous, "turfy," insensitive, condescending, judgmental.* In addition, because many lawyers are very smart and think very fast, in any given situation *they always have an opinion.* Most will easily change

lawyers – whether win-lose litigators or win-win consensus builders and transactional lawyers – must cultivate an adjustable style that works cross-species.

This does not require that one resort to situation ethics or become a smarmy manipulator. But it does require that one work to fine-tune

your temperamental biases and blind spots by thinking, *"I must remember that I have a tendency to..."* Do a fast proportion check by asking yourself, *"Am I blowing things out of proportion or downplaying something that's important?"*

"Next," said the coach, "before you open your mouth, 're-frame' the situation. As a practical matter, fast-thinkers can't slow down their thinking. But they can slow down how quickly they display their thinking. Listen before you talk. Ask questions before you make statements. Appear to reflect and ponder, even if your mind is already ten miles down the road."

The coach emphasized that in re-framing situations, one should first "name the frame." "That is," he suggested, "consciously review what you think is going on here. Next – and this is difficult – make your assumptions conditional: 'Is there another way of looking at this.' Reality-test possible alternative explanations: 'What if my opinion is wrong?' And recast your characterizations of people and events into value-neutral terms; curb language that seems to make personal judgments, even if you think the people you're talking to probably agree with you. It's important not to be seen as judgmental."

"Finally," said the coach, "re-frame how you communicate. The best rule here is to *individualize and personalize.* When it comes time to talk, call people by their names. Give other people credit (even if they don't deserve it). Make this a conversation, not a competition or lecture. Reality-test and paraphrase constantly 'Let me make sure I understand you correctly....' Ask for more input before communicating, and, if necessary, buy some time to reflect: *'Hmm, that's interesting. Let me think about that for a second.'*"

Finally, the coach suggested that the lawyer make a point of asking people for feedback – on both his substance and on his style. "As professional experts," he said, "lawyers

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their initial, snap judgments if given more or better information, but it's literally true: at all points in the decision-making loop, they *are* opinionated.

Conversely, to many lawyers, relationship-oriented words like *tactful, sensitive, empathetic and collaborative* create active revulsion. None of that "touchy-feely stuff" for them, no sir. And gender can further cloud the issue: because men are testosterone-driven dominators from Mars, and women supposedly are empathic consensus-builders from Venus, a woman displaying quick opinions, fast decisions and firm principles departs more visibly from the social stereotypes norm than a male lawyer. Hence the common maxim: "Behaviors that are called assertive in a man are called aggressive in a woman."

In our case study, if the 360° review of the lawyer described above had been confined to lawyers who admired his brains and candor, he might not have been labeled as arrogant. But in today's large firms where interdependence and collaboration are essential, one no longer has the luxury of dealing solely with creatures of one's own stylistic species. The hard truth is that today, effective

one's emotional intelligence, that ability to analyze the interpersonal and social dimensions of any interaction – with both head and gut – with both one's intellect and one's "hunch machine." One's cumulative emotional intelligence (sometimes nicknamed EQ or EI) is made up of a group of competencies that shape professional and appropriate behavior with different kinds of people in different kinds of situations. These competencies fall into four broad categories: *self-awareness; self-management; attunement to the needs/interests of others; and social, influencing and leadership skills.* Lawyers tend to score low in the "attunement" competencies.

In our case study, the coach suggested to the lawyer that a practical first step for addressing his arrogance issue was to slow down and reflect. "It is useful to consciously practice 're-framing' interactions with other people before speaking," said the coach. First re-frame your personal mind-set and check out your own expectations and motivations. Consider what you need and expect from this situation and make sure you're in touch with those underlying motives. Acknowledge

**Arrogance ...** continued from page 5

hate to ask for personal feedback. But any expert in self-development will tell you that candid feedback is the crucial ingredient for behavioral change. Asking for feedback has two benefits. First, it may give you some information that others might be inclined to withhold. Second, the act of asking for that feedback is a modest and self-aware thing to do, something that truly arrogant people seldom bother with."

This particular case study continues as a work in progress. The lawyer says he thinks he's making some changes in his demeanor, but finds he then often relapses into old patterns. Yet there are promising signs: colleagues and clients are appearing more relaxed and acting less defensively. And only last week his administrative assistant said to him, "You know, you used to terrify me. Now that I've gotten to know you, you really are a pretty nice guy." ♦

*Author's Note: To identify and develop one's EQ competencies, try reading Daniel Goleman's Working with Emotional Intelligence (Bantam Books, 1998). On a lighter but enormously practical note, we also recommend Sisters-in-Law: An Uncensored Guide for Women Practicing Law in the Real World, by Lisa Sherman, Deborah Turchiano and Jill Schechter (Sphinx, 2004). Both female and male attorneys really should read this book.*

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# Report to Legal Management

published by:

**Altman Weil Publications, Inc.**  
Two Campus Boulevard, Suite 200  
Newtown Square, PA 19073  
Telephone (610) 886-2000  
FAX (610) 359-0467

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